

**REGULAR MEETING of the Town Council to be held Wednesday, April 24, 2013 at 7:00 P.M. in Council Chambers, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.**

**PRESENT: Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson**

**MEMBERS ABSENT:**

**1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.**

**2. VOTED that the question of accepting the minutes of the regular meeting held April 24, 2013 and dispensing with the reading of said minutes be continued to a future meeting.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**3. Public Comment: None**

**4. General Good and Welfare of the Town of Burrillville**

**Councilor Edward J. Blanchard commented on the success of Burrillville Earth Day and congratulated participants. Councilor Stephen N. Rawson concurred and congratulated an unidentified resident who cleaned up along East Avenue near Sweets Hill.**

**Councilor Stephen N. Rawson discussed fundraising efforts of New Horizons Center for Equine Assisted Therapy, a not-for-profit organization offering therapy with horses through riding and driving programs for children and adults with a wide range of disabilities.**

**5. Petitions: None**

**6. Special Business:**

**13-091 Correspondence from Councilor David J. Place regarding his request for a Missing Children's Day proclamation.**

**Motion by Councilor David J. Place. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**Discussion: Councilor David J. Place reviewed the purpose of the Missing Children's Day recognition.**

**VOTED to support the resolution as it is stated and as it was sent to us by the NCMEC:**

### **Burrillville Town Council Proclamation**

**WHEREAS, according to the U.S. Department of Justice, an estimated 800,000 children are reported missing each year; and**

**WHEREAS, on average, approximately 2,000 children are reported missing to law-enforcement agencies daily; and**

**WHEREAS, approximately 58,200 of these children are victims of non-family abductions and more than 200,000 are the victims of family abductions; and**

**WHEREAS, the National Center for Missing & Exploited Children® (NCMEC) exists as a resource to help prevent child abduction and sexual exploitation, help find missing children, and assist victims of child abduction and sexual exploitation, their families, and the professionals who serve them, and**

**WHEREAS, this special day is a time to remember those children who are missing and give hope to their families.**

**NOW THEREFORE BE IT RESOLVED that, in partnership with NCMEC and its supporters, the Town Council of the Town of Burrillville proclaims May 25 as National Missing Children's Day.**

**THEREFORE, BE IT FURTHER RESOLVED that the Town Council of**

**the Town of Burrillville urges the participation of local government, law enforcement, and communities in the protection of children and educating children about child abduction and sexual exploitation, and how to respond and seek help from law enforcement, social services, and NCMEC.**

**THEREFORE, BE IT FURTHER RESOLVED that the Town Council of the Town of Burrillville encourages all individuals to take 25 minutes to help children stay safer.**

**THEREFORE, BE IT FURTHER RESOLVED by the Town Council of the Town of Burrillville: That May 25, 2013, is set aside as National Missing Children's Day as part of Burrillville's continuing efforts to prevent the abduction and sexual exploitation of children.**

**Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**13-092 VOTED to open the correspondence from Councilor Edward J. Blanchard regarding his request for citations recognizing Don Pariseau, Richard Deshaies and Josh Sutherland of the Nasonville Fire Department.**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**Discussion: Councilor Edward J. Blanchard acknowledged the administration's efforts to prepare the citations, commented on the 2013 banquet and congratulated Officer of the Year Don Pariseau, Volunteer of the Year Richard Deshaies and EMT of the Year Josh Sutherland of the Nasonville Fire Department.**

**13-093 VOTED to issue an annual arcade license from John J. Bateman d/b/a Spring Lake Arcade to apply at 52 Old Hillside Drive, Glendale on property owned by the Town of Burrillville (Map 93, Lot 41).**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**7. Public Hearing: None**

**8. Unfinished Business:**

**13-080 Correspondence from Christopher Piccardi, President of the Downtown Pascoag & Neighborhood Association requesting temporary parking bans and road closures during the Downtown Pascoag Neighborhood Block Party to be held on Saturday, June 1, 2013.**

**Council President Nancy F. Binns noted that the Council had been notified that the Downtown Pascoag Neighborhood Block Party had been cancelled.**

**VOTED to receive and file.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

## **9. New Business:**

**13-094 Proposed amendment to the Revised General Ordinances of the Town of Burrillville, RI, 2004, as amended, Chapter 14 entitled, Fire Prevention and Protection as it relates to Sec. 14-1. – Open fires; for first reading and scheduling of public hearing.**

**Discussion: Councilor Kimberly Brissette Brown of the Ordinance Subcommittee reported that the Ordinance Subcommittee had forwarded the ordinance to the full Council without a recommendation to approve or disapprove. Councilor Brissette Brown reviewed the proposed changes to the proposal. Town Solicitor Timothy F. Kane suggested that if the Town Council voted to move forward to public hearing , they should change “shall” to “may” in §14-1.(a)(3)b. The proposed ordinance was discussed.**

**VOTED to schedule for public hearing with the amended change of 3(b) amending “shall” to “may”.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**Note: The ordinance amendment as proposed follows:**

**The Town Council of the Town of Burrillville hereby ordains as follows:**

**Sec. 14-1. - Open fires.**

**Definitions. The following words, terms and phrases, when used in**

**this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:**

**Open fire means any fire from which the products of combustion are emitted into the open air and not directed through a stack or chimney.**

**Hand dug fire pit means a hole dug in the ground that is used to contain an open fire and that may be used to cook food.**

**(a) No person shall set, maintain or authorize any open fire at any time in the town, except as follows:**

**(1) Outdoor cooking in an outdoor grill (liquid propane, natural gas, kerosene, white gas, charcoal, Sterno or clean wood), stationary built-in patio or outdoor fireplaces self-contained within an outdoor cooking unit, portable patio fire bowls or chimineas.**

**(2) Fire authorized by the fire department for the purpose of training firefighters and retarding the spread of fires.**

**(3) Fires authorized by written permission of the chief of the fire district in which the fire is to be set or maintained, or his or her designee. Authorization shall be on forms prepared under rules and regulations approved by the fire district, except that:**

**a. The fire chief or his or her designee shall not authorize any open fires when atmospheric conditions or other local conditions make such fires hazardous to the public health or safety.**

**b. The chief or his or her designee may deny issuance of or rescind a fire permit for other verifiable health or respiratory illness or safety concern.**

**c. The chief or his or her designee may rescind a fire permit and**



**notify the permit holder to extinguish any fire from which emanates smoke that, in the opinion of the fire chief or his or her designee, causes an annoyance or nuisance to members of the general public.**

**(b) No person shall set or maintain an open fire in a hand dug fire pit without a permit issued in accordance with Sec. 14-1(a)(3).**

**(c) No person shall burn root stumps, leaves, poison ivy, poison sumac or similar allergens, building materials, trash, furniture, combustibles, or material containing pesticides, paints, coatings, preservatives or adhesives in any open fire.**

**(d) Each and every fire set, maintained or authorized in violation of the above provisions shall constitute a separate violation, and violation of the above provision shall be punishable by a fine not to exceed the statutory maximum set forth in section 1-6.**

**This ordinance shall be effective 10 days after passage.**

**VOTED to set the hearing date for May 22nd.**

**Motion by Councilor David J. Place. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**13-095 Correspondence from Roger J. Remillard regarding his resignation from the Juvenile Hearing Board.**

**VOTED to receive with regret, send a letter of thanks and refer to the Screening Subcommittee.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**13-096 Correspondence from Kathleen R. Walsh regarding her resignation from the Library Board of Trustees.**

**VOTED to receive with regret, send a letter of thanks and refer to the Screening Subcommittee.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**13-097 Correspondence from The Jesse M. Smith Memorial Library Board of Trustees regarding their recommendation of Aaron Coutu to replace Kathleen Walsh as a member of the Library Board of Trustees.**

**VOTED to refer to the Screening Subcommittee.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**13-098 VOTED to refer to the Screening Subcommittee applications for reappointment, as follows:**

- **Donison L. Allen – Burrillville Budget Board**
- **Hubert J. Cournoyer – Burrillville Budget Board**
- **Dorothy E. Karolyshyn – Juvenile Hearing Board**
- **William Peterson – Burrillville Sewer Commission**
- **Nathan M. St. Pierre – Burrillville Budget Board**
- **Don C. Wolfe – Burrillville Sewer Commission**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**Pending Legislation**

**13-099 Correspondence from Dr. Frank Pallotta regarding the Burrillville School Committee's request for support of their resolutions in opposition to binding arbitration, contract continuation and supporting changes to teacher layoff notification.**

**VOTED to support.**

**Motion by Councilor David J. Place. Seconded by Councilor Wallace F. Lees. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson. Councilor Edward J. Blanchard voted in opposition.**

**13-100 Correspondence regarding Chamber of Commerce opposition to Senate Bill 2013 – S 0293, Senate Bill 2013 – S 0368, Senate Bill 2013 – S 0572 and House Bill 2013 – H 5946.**

**VOTED to open.**

**Motion by Councilor David J. Place. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**Discussion: Councilor Stephen N. Rawson commented on the**

**potential impact this legislation would have on business. The matter was discussed.**

**VOTED to support the Chamber of Commerce opposition to the bills as presented.**

**Motion by Councilor Stephen N. Rawson. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**10. Town Clerk/Communication:**

**13-101 VOTED to open the consent judgment in re Town of Burrillville v. TA Consulting, LLC et als.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**VOTED to receive and file the consent order submitted by the solicitor in re Town of Burrillville v. TA Consulting, LLC et als.**

**Motion by Councilor Kimberly Brissette Brown. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**11. VOTED to receive reports one through 26, as follows:**

- 1. Town Treasurer: Report of March 2013**
- 2. Burrillville Sewer Commission: Report of March 2013 and Meetings of March 14 and April 2, 2013**
- 3. Tax Collector: Report of March 2013**
- 4. Department of Public Works: No report**
- 5. Chief of Police: Report of March 2013**
- 6. Office of Building Official: Report of March 2013**
- 7. Animal Control Officer: Report of March 2013**
- 8. Parks and Recreation Department: No report**
- 9. Burrillville Extended Care: Report of March 2013**
- 10. Emergency Management Agency: No report**
- 11. Information Systems Department: Report of April 2013**
- 12. Burrillville Housing Authority: Meeting of March 13, 2013**
- 13. Planning Board/Town Planner: No report**
- 14. Recreation Commission: No report**
- 15. Burrillville Conservation Commission: Meeting of February 12, 2013**
- 16. Ordinance Subcommittee: Meeting of March 14, 2013**

- 17. Redevelopment Agency: Meeting of February 26, 2013**
- 18. B-PAC: No report**
- 19. Personnel Board: Meetings of February 12 & 21 and March 19, 2013**
- 20. Screening Subcommittee: No report**
- 21. Budget Board: Meetings of February 14, 21 & 28 and March 21, 2013**
- 22. Burrillville School Committee: Meeting of March 12, 2013**
- 23. Rubbish & Recycling Committee: Meeting of February 4, 2013**
- 24. Board of Canvassers: No report**
- 25. Juvenile Hearing Board: No report**
- 26. Burrillville Police Chief Search Committee: Meetings of March 26 and April 2, 2013**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**12. Additional New Business:**

**13-102 VOTED to grant a request for executive session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meetings Law: [§42-46-5(a)(2)] review and discussion of matters of litigation relative to TransCanada and [42-46-5 (a)(1)] for discussion and**

**considerations related to job performance and character of applicants for the position of Chief of Police. Note: The affected persons(s) received advanced written notice advising that they may require the meeting to be held in open session.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**There was a recess before executive session.**

**The Town Council returned to open session at 8:15 P.M.**

**VOTED to seal the minutes of executive session, noting that no votes were taken.**

**Motion by Councilor David J. Place. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**13. VOTED to adjourn at 8:15 P.M.**



**Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kimberly Brissette Brown, John F. Pacheco III, David J. Place and Stephen N. Rawson.**

**The meeting was recorded.**

**Louise R. Phaneuf, Town Clerk**